UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

KELLY WAYNE HANCE,	)	
Plaintiff,	)	
v.	)	**Case No.: 13-2656-STA-tmp**
BNSF RAILWAY COMPANY d/b/a BURLINGTON NORTHERN & SANTA FE RAILWAY CO.	)	
Defendant.	)	

PLAINTIFF'S MOTION AND SUPPORTING MEMORANDUM TO HOLD DEFENDANT'S MOTION FOR BILL OF COSTS IN ABEYANCE UNTIL AFTER COMPLETION OF APPEAL PROCESS

COMES NOW Plaintiff, Kelly Wayne Hance, by and through counsel, and requests this Court hold in abeyance Defendant's Motion for Bill of Costs until completion of the appeal process. On July 15, 2015, this Honorable Court ruled in favor of the Defendant, BNSF Railway Company, following a trial on April 20 and 21, 2015. On August 6, 2015, Plaintiff Kelly Hance initiated an appeal of the Court's ruling. On August 14, 2015 Defendant BNSF filed a Motion for Bill of Costs. A Notice of Taxation of Costs Hearing has been set for November 17, 2015 in front of Clerk of Court, Tom Gould.

As grounds for the present motion, if plaintiff is successful on appeal, the November 17, 2015 hearing will be moot. Therefore, plaintiff respectfully requests the Court hold the Defendant's Motion for Bill of Costs in abeyance until a ruling is made by the Sixth Circuit Court of Appeals as to the merits of plaintiff's appeal.

Respectfully submitted,

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CERTFICATE OF SERVICE

I certify that on this the 20th day of August, 2015, a true and correct copy of the forgoing motion was filed electronically with the Court's CM/ECF system and thereby served upon each of the following.

/s/ W. Chris Harrison
/s/ Russell W. Jackson
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